

STATE PUBLIC DEFENDER[493]

Adopted and Filed Emergency

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender amends Chapter 13, "Claims for Other Professional Services," Iowa Administrative Code.

These amendments conform State Public Defender administrative rules with a directive issued by the State Court Administrator, effective September 1, 2007.

Pursuant to Iowa Code section 17A.4(2), the State Public Defender finds that notice and public participation are impractical. The State Public Defender also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments should be made effective September 1, 2007, because the amendments confer a benefit on the public by standardizing the process by which foreign language interpreter claims are paid in indigent defense cases

These amendments are also published herein under Notice of Intended Action as **ARC 6180B** to allow for public comment.

These amendments are intended to implement Iowa Code chapters 13B and 815.

These amendments will become effective September 1, 2007.

The following amendments are adopted.

ITEM 1 Amend rule 493—13.2(13B,815), subrule 2 as follows:

13.2(2) *Claims for foreign language interpreters.* The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for foreign language interpreters in accordance with the Administrative Directive of the State Court Administrator in the Matter of Court Interpreter Compensation, effective September 1, 2007, if the following conditions are met:

a. The interpreter submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, e-mail address, if any, and telephone number.

b. Court approval to hire the interpreter was obtained before any expenses for the interpreter were incurred.

c. One copy of each of the following documents is attached to the claim:

- (1) The application and order appointing the interpreter. This appointment is presumed to continue until the conclusion of the matter, unless limited by the court or modified by a subsequent order.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application for the appointment of the interpreter, makes one of the following specific findings:

1. The client is indigent, or
2. Although the client is able to employ counsel, funds are not available to the client to pay for necessary interpreter services.

(3) An itemization of the interpreter's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date including the time services began and ended on each day, and the manner in which the amount of the claim for services was calculated.

With regard to expenses and services, the following shall apply:

~~1. Claims for mileage reimbursement will be approved at the maximum rate of 30 cents per mile.~~

~~2. Claims for travel time will be denied, unless approved in advance by the state public defender.~~

~~3. Actual parking costs are reimburseable.~~ Receipts for parking expenses are required for actual costs of \$2 or more per day.

~~4.~~ 2. Claims for translating documents will be paid by the hour, not by the word or line.

~~5. A minimum charge of up to one hour may be charged for services.~~

~~Duplications of the same minimum charge are not permitted. If services are~~

~~provided in more than one case during the minimum period, the minimum charge will be apportioned among the cases involved.~~

(4) A court order setting the maximum dollar amount of the claim.

d. Claims for services completed before September 1, 2007 are timely if submitted to the state public defender for payment before October 15, 2007.

Claims for services completed after August 31, 2007 are timely if submitted to the state public defender for payment within 45 days of completion of services in the case.

e. Claims which are not timely will be denied.

July _____, 2007

Thomas G. Becker
State Public Defender

STATE PUBLIC DEFENDER [493]

Notice of Intended Action

Pursuant to the authority of Iowa Code section 13B.4(8), the State Public Defender gives Notice of Intended Action to amend Chapter 13, "Claims for Other Professional Services," Iowa Administrative Code.

These proposed amendments conform State Public Defender administrative rules with a directive issued by the State Court Administrator, effective September 1, 2007.

Interested persons may make written comments or suggestions on the proposed amendments on or before September 20, 2007. Written materials should be addressed to the State Public Defender, Lucas State Office Building, Fourth Floor, 321 East 12th Street, Des Moines, Iowa 50319-0087; faxed to (515) 281-7289, or E-mailed to msmith@spd.state.ia.us.

There will be a public hearing on September 20, 2007, at 9 a.m. in Conference Room 422 of the Lucas State Office Building, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special requirements such as those related to hearing or mobility impairments should contact the State Public Defender and advise of specific needs.

These amendments were also Adopted and Filed Emergency and are published herein as ARC **XXXX**. The content of that submission is incorporated by reference.

These amendments are intended to implement Iowa Code chapters 13B and 815.

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13.2(2) *Claims for foreign language interpreters.* The state public defender shall review, approve and forward for payment claims for necessary and reasonable expenses for foreign language interpreters in accordance with the Administrative Directive of the State Court Administrator in the Matter of Court Interpreter Compensation, effective September 1, 2007, if the following conditions are met:

a. The interpreter submits a signed original and one copy of a claim containing the following information:

- (1) The case name, case number and county in which the action is pending.
- (2) The name of the attorney for whom the services were provided.
- (3) The date on which services commenced.
- (4) The date on which services ended.
- (5) The total number of hours claimed.
- (6) The total amount of the claim.
- (7) The claimant's name, address, social security number or federal tax identification number, e-mail address, if any, and telephone number.

b. Court approval to hire the interpreter was obtained before any expenses for the interpreter were incurred.

c. One copy of each of the following documents is attached to the claim:

(1) The application and order appointing the interpreter. This appointment is presumed to continue until the conclusion of the matter, unless limited by the court or modified by a subsequent order.

(2) The order appointing counsel. This order is unnecessary if the attorney is not court-appointed but the court, in granting the application for the appointment of the interpreter, makes one of the following specific findings:

1. The client is indigent, or

2. Although the client is able to employ counsel, funds are not available to the client to pay for necessary interpreter services.

(3) An itemization of the interpreter's services detailing the expenses incurred, the services rendered, the date(s) on which the services were rendered, the time spent on each date including the time services began and ended on each day, and the manner in which the amount of the claim for services was calculated.

With regard to expenses and services, the following shall apply:

~~1. Claims for mileage reimbursement will be approved at the maximum rate of 30 cents per mile.~~

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